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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,885	08/06/2003	Tetsuya Ouchi	116787	7541

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EXAMINER

BRINEY III, WALTER F

ART UNIT	PAPER NUMBER
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2646

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/634,885

Applicant(s)

OUCHI ET AL.

Examiner

Walter F. Briney III

Art Unit

2646

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: With respect to claim 1, the applicant alleges on page 5, line 20; through page 6, line 14, of the current response that Pietrowicz in view of Wu fails to disclose, teach or suggest "an external telephone connection unit being connectable to an external telephone having a handset," to which the examiner respectfully disagrees. The applicant notes that Pietrowicz discloses connecting the audio port (156) to an external audio device (160), such as an answering machine. The applicant further notes that Pietrowicz fails to explicitly disclose that the audio device can be anything other than an answering machine. In addition, the applicant notes that Pietrowicz discloses "an integrated single desktop appliance that allows a user to place calls over the public switched telephone network and a packet network through a single set of user I/O devices and user audio devices," stating that this disclaims any secondary external telephone usable with or connected to the system. However, each of these points fails to distinguish the claimed subject matter from the prior art.

First, it is submitted that the IP telephone apparatus of claim 1 comprises, inter alia, "an external telephone connection unit being connectable to an external telephone having a handset." This amounts to stating that the IP telephone apparatus has the ability to connect to a handset, wherein that handset is considered a "telephone having a handset." However, this claim limitation does not necessarily suggest the presence of an external telephone having a handset, nor does it suggest the structure or type of the external telephone. The disclosure of Pietrowicz where the external audio device (160) is, e.g., an answering machine clearly illustrates that the audio port (156) is connectable to a handset. As some answering machines also include handsets, it follows that the audio port (156) is connectable to an external telephone having a handset. Further evidence of this is provided in figure 5, where the audio port (156) is shown to contain an RX and TX channel, which corresponds to the known four-wire interface of a telephone handset.

Second, Pietrowicz does not disclaim the use of the external audio device in connection with the PSTN and packet switched network. In fact, the supporting evidence used by the applicant points this out. Specifically, Pietrowicz discloses "an integrated single desktop appliance that allows a user to place calls over the PSTN and a packet network through a single set of user I/O devices and user audio devices." The second object "user audio devices" clearly indicates that calls can be placed over the PSTN and packet network through the audio port (156) as the audio port is considered one of the user audio devices.

With further respect to claim 1, the applicant alleges on page 6, line 15, through page 7, line 15, of the current response that the switching and bridging system (136) disclosed by Pietrowicz does not correspond to the recited feature which includes switching a connection target of a handset validated by the handset validation unit from the telephone line connection unit of the audio signal input/output unit when the dialing start command detection unit detects the IP telephone dialing start command, to which the examiner respectfully disagrees. The applicant starts by noting that the claim recites the presence of two handsets, one being the handset of the external telephone, and for the same reasons treated above, not disclosed by Pietrowicz. The applicant further quotes a passage from Pietrowicz that apparently suggests some difference between the invention disclosed by Pietrowicz and the claimed subject matter. However, each of these points fails to distinguish the claimed subject matter from the prior art.

First, the claim does not necessitate a second handset, but rather necessitates one handset as part of the main unit while including provisions to interconnect a second handset that is part of an external telephone. However, the provisions (i.e. external telephone connection unit) do not necessitate the second handset. This claim interpretation notwithstanding, it was shown above that two handsets are contemplated by the teachings of Pietrowicz. Another claim interpretation that appears to differ between the examiner and the applicant is that of the handset validation unit. It was shown in the outstanding Final Rejection that the handset validation unit does not necessarily validate between two handsets. Instead it need only be capable of validating one of the two handsets.

Second, the quoted section of Pietrowicz does not appear to provide any reasons why the audio signal path switching unit claimed is any different than the audio switching and bridging system (136) of Pietrowicz. The understanding of system (136) is that, in part, it selects between the handset (152) and audio port (156) and it selects between one of the communication networks and forms a bridge between the two selected end points. An unquoted section of text around the section quoted by the applicant indicates that the system (136) allows a user to utilize either network interface through the user audio devices. Thus, the claimed subject matter is anticipated by Pietrowicz. As the applicant has not precisely indicated how this section differentiates the claimed subject matter from the prior art, this argument is moot.

With further respect to claim 1, the applicant alleges on page 7, line 16, through page 8, line 4, that Wu, which is relied upon to overcome an admitted deficiency, does not teach a handset validation unit, to which the examiner respectfully disagrees. Specifically, the applicant makes no argument as to how the teachings of Wu differ from that that is claimed, but instead merely alleges that step (402) has nothing to do with a handset validation unit. At most, it may be surmised that the applicant is again referring to an interpretation of the claimed subject matter that is overly narrow in scope. Particularly, the applicant appears to suggest that the handset validation unit has the ability to validate between handsets, whereas the claim recites validating one of the handsets while not necessarily including the ability to validate the other handset. Therefore as all of the applicant's allegations have been shown to be either moot or unpersuasive, the rejection of claim 1 is maintained.

With respect to all other claims, the applicant makes no comments different from those treated above. As such, the rejections of all other claims are maintained for the same reasons.


SINH TRAN

SUPERVISORY PATENT EXAMINER